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ABSTRACT

The annotated bibliography presents 63 citations designed to acquaint school administrators with legal considerations in the education of handicapped children. Entries are arranged alphabetically by author and contain information on title, publisher, date, pagination, as well as a brief annotation. The bibliography touches on such topics as accountability, civil liberties, litigation, deinstitutionalization, federal laws and regulations, public policy, and state legislative progress. (CL)

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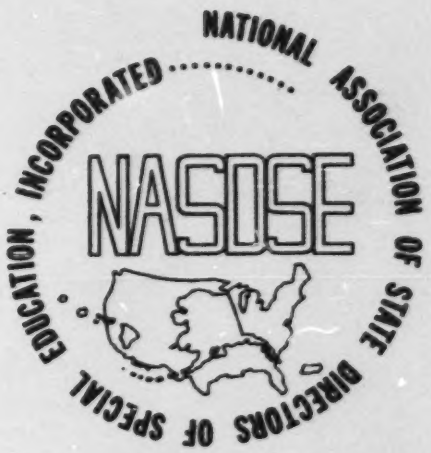

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FEBRUARY, 1978

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PREFACE

It has become increasingly apparent that a solid foundation in the legal aspects of the education of the handicapped is a requisite to effective administration.

This annotated bibliography was developed to assist state and local school administrators in keeping abreast of the rapidly expanding information regarding legal issues and the handicapped. Publications describing litigation and legislation are discussed in enough detail to assist the reader in determining whether an entire document should be studied.

NASDSE sincrely appreciates the efforts of Sharon R. Berry in researching and compiling the annotated bibliography and for her permission to allow us to disseminate the report.

James R. Galloway
Executive Director
NASDSE

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INTRODUCTION

Judicial and legal mandates have been the catalyst for change in special education. In developing this annotated bibliography, I attempted to focus on the administrator's need for easily accessible information on legal considerations in the education of the handicapped. The articles and books listed represent a comprehensive review of the literature available. Most of the major publications have occurred within the last five years and represent a trend toward continued proliferation of both litigation and legislation.

A few of the publications are considered high priority reading requirements and others are valuable as ancillary reading materials. The intent of the annotations was two fold: 1) to provide sufficient information to enable the administrator to gain a fundamental knowledge base, and 2) to provide sufficient information to facilitate selection of resources when more extensive knowledge is desired.

Sharon R. Berry
1978

The author is a doctoral student in Administration and Supervision of Special Education at Gallaudet College. She is serving an assistantship with the Conference of Executives of American Schools for the Deaf and a practicum with the National Association of State Directors of Special Education

Abeson, A. Legal changes for the handicapped through litigation. Reston, Va.: Council for Exceptional Children, 1973.

This booklet is intended to be a handbook for persons unfamiliar with the litigation process who are engaged in its study or considering initiating or participating in a lawsuit. The chapters contain discussion on the first questions in initial consideration, preliminary considerations to court action, selecting appropriate courts, preparation for the trial, the trial, litigation expenses and what happens after litigation. The publication attempts to be as thorough as possible while avoiding unnecessary legal terminology and provides a solid overview of the litigation process.

Abeson, A., & Bolick, N. A continuing summary of pending litigation. Reston, Va.: Council for Exceptional Children, 1974.

This cumulation provides a succinct summary (approximately one page per case) of litigation involving special education issues. Thirty-eight cases are reviewed under the section Right to an Education. Nine cases involving the Right to Treatment and six cases involving Placement are also reviewed.

The booklet in addition to the summaries from previous years, is valuable in understanding the judicial influence on recent changes and trends in the profession. Particular cases could be helpful for administrators with similar involvements in litigation.

Abeson, A., Bolick, N., & Hass, J. A primer on due process. Reston, Va.: Council for Exceptional Children, 1975.

"This document presents an approach to meeting the requirements of due process in the identification, evaluation, and educational placement of handicapped children. Attention is devoted to the steps needed to meet the requirements and the sequence in which they can be implemented."

The fifty-seven pages offer a concise explanation of the requirements in due process. Chapter one offers historical information on state, federal and judicial developments in this area. Chapter two contains specific components and time lines. In summary form these are:

1. Timely and written notice prior to the identification, evaluation, or educational placement.
2. An opportunity to respond to the substance of such notice must be provided.

3. An impartial hearing must be held if parents are not in agreement with the school system.
4. The burden of proof rests with the school system.
5. The hearing officer must make the decision based solely on the evidence presented.
6. Opportunity must exist for both parties to appeal.

Chapter three details the functions of the Hearing Officer and chapter four explains an approach for the assignment of surrogate parents.

Abeson, A., Bolick, N., & Hass, J. Education decisions for handicapped children. Education and the Trainable Mentally Retarded, October 1976, pp. 287-289.

This article presents excerpts from the CEC publication on due process. Guarantees of due process were stated in P.L. 93-380 and have a pervasive effect on decisions regarding identification, evaluation and educational placement of handicapped children. The article explains in detail the requirements for notifications, time lines, reviews, evaluations, hearings and judicial treatment. Eight qualifications for hearing officers are reviewed and a step by step procedure which meets the minimal standards of due process is suggested.

An analysis of P.L. 94-142. Washington, D.C.: National Association of State Directors of Special Education, Inc., 1976.

Written especially for state and local directors of special education, this twenty-seven page booklet lists the main sections of the law and compares the requirements of P.L. 94-142 with the Education of the Handicapped Act (1971) and later amendments in P.L. 93-380. General implications of each section are stated in concise form. It is a valuable resource in developing educational policies and programs which are in compliance with P.L. 94-142.

Ballard, J. Public Law 94-142 and Section 504--Understanding what they are and are not. Reston, Va.: Council for Exceptional Children, 1977.

The author and staff have compiled a list of frequently asked questions on P.L. 94-142 into a booklet. Each question is answered briefly with notations of reference to the law. The purpose of the publication is to provide administrators and teachers with immediate responses to questions and would be especially beneficial in inservice training programs.

Barbacovi, D. R. & Clelland, R. W. Public Law 94-142--Special education in transition. Arlington, Va.: American Association of School Administrators, 1977.

The authors have succinctly focused on the major provisions of P.L. 94-142 which are of special interest to the school administrator. The purpose of the book is twofold: to examine the statutory and regulatory requirements of the law and to delineate the areas of responsibilities relative to implementation. Concepts of LEA applications, least restrictive environments, due process, individualized education programs and personnel development are developed. The suggested sequences for planning and implementation are especially beneficial.

Barnes, B. The education rights of your handicapped child. Richardson, Tx.: Education Management Systems, 1977.

The author developed this brochure for school systems to share in public awareness campaigns. It contains brief background information on the handicapped and information regarding legal rights and responsibilities of the school system and parents. A specimen kit is available from the author for $5.00.

Bolick, N. Digest of state and federal laws: Education of handicapped children. Reston, Va.: Council for Exceptional Children, 1974.

The laws pertaining to special education in the fifty states are condensed and listed under the following categories: "Right to an Education", "Population", "Identification", "Evaluation", "Placement", "Administrative Responsibility", "Planning", "Finance", "Administrative Structure and Organization", "Services", "Private Schools", "Personnel and Facilities". The last section of the book summarizes the federal legislation enacted through 1973.

The book provides useful information on legislation in the various states. Because of the rapid changes occurring especially in the federal legislative arena, the book is somewhat out of date and will probably be revised in the near future.

Boston, B. O. A resource directory on P.L. 94-142: The education for all handicapped children act. Washington, D.C.: George Washington University, 1977.

Reports from regional conferences held in January through April, 1977, were cumulated and the results summarized in this publication. The emphasis of presentation is on the state administrative level. Part I: "Setting the Context" provides the background material. Part II: "The View from the States" develops a general consensus of the problem areas and includes a brief discussion on the SEA supervisory role, private schools, funding, IEP, due process, time tables, reluctant LEAs, related services, child count, personnel development, advisory committees, records and evaluations. The appendix provides an abbreviated list of resources for the implementation of P.L. 94-142.

Braddock, D. Opening closed doors: The deinstitutionalization of disabled individuals. Reston, Va.: Council for Exceptional Children, 1977.

This book of six chapters and an annotated bibliography offers a concise survey of trends and issues pertaining to deinstitutionalization or normalization as the author prefers to define the process. Chapter one examines the concept of deinstitutionalization from the historical and public policy viewpoint. The author emphasizes that the term is not synonomous with deletion of services but proposes a continuum of services in three areas; living arrangements, educational arrangements and employment arrangements. He presents demographic data on residential institutions derived from a survey study. Facility populations are declining but 25% of admissions in 1973 were students moderately or less mentally retarded. The author states that the total number in institutions exceeds two million, half of whom could successfully live in the community. Chapter two presents a study of obstacles to deinstitutionalization conducted on state programs. Respondents reported legislative, organizational, budgetary, and client centered obstacles. Chapter three reports the results of a study on obstacles from the institution's accrediting process. Areas of inadequacies are listed and imply problems with due process, educational programs, evaluations, use of medications, impersonal practices and others. Chapter four is brief and describes a literature search on information and training materials available on Community Reintegration. Chapter five describes necessary ancillary services and a step by step process for deinstitutionalization. A summary of the previous chapters is in Chapter six and could be read quickly to gain the book's main points. The remainder of the book provides an annotated bibliography on community services for the retarded and accrediting standards.

Bureau of Education for the Handicapped. The new education law: What does it mean: (Report from Closer Look). Washington, D.C.: Author, 1976.

The National Information Center for the Handicapped provides this two page reprint of articles which appeared in 1976-77 Closer Look newsletters.

The articles were written for parents of handicapped children and for public awareness. The reprint could serve as free introductory material in information packets. The three main sections present the major provisions of P.L. 94-142, due process rights and a listing of agencies in various states to contact for additional information.

Cole, R. W. & Dunn, R. A new lease on life for education of the handicapped: Ohio copes with 94-142. Phi Delta Kappan, 59(1), (September, 1977), pp. 3-6; 10; 22.

The authors provide a historical synopsis of the development of special educational services in Ohio and review the basic provisions of P.L. 94-142. A provocative discussion is presented on the problem areas of implementation including problems in meeting the time lines for implementation of IEP requirements, the possible abuse of the "least restrictive placement" concept by administrators viewing mainstreaming as a means of conserving resources, and inadequacies of funding levels and monitoring. Fifteen suggestions for implementing P.L. 94-142 are directed to the local administrator.

Collings, G. D. Case review: Rights of the Retarded. Journal of Special Education, Spring 1973, 7(1), pp. 27-37.

The author reviewed twenty-eight court cases which focus on misdiagnosis and subsequent misplacement of mentally retarded students. The cases imply that special educators must improve standards in test administration, placement procedures and provision of special education services.

Council for Exceptional Children. The education for all handicapped children act: P.L. 94-142. Washington, D.C.: Bureau of Education for the Handicapped, 1976.

This brochure developed for public information purposes contains one statement per page from P.L. 94-142 and a brief explanation of the intent of Congress. From presentations on the need for services to the provision of those services, a clear rationale for P.L. 94-142 is developed. The final three pages explain the time table for implementation and financing, the protection of rights and public involvement.

Council for Exceptional Children. The special education administration policies manual. Reston, Va.: Author, 1977.

This comprehensive manual was completed after extensive field research involving more than 380 special education administrators across the nation. It has been designed for use by state and local policy makers in improving or creating special education policies in accordance with the requirements of P.L. 94-142 and Section 504 of the Rehabilitation Act. Policy statements are divided into sections and indexed by number in a loose leaf binder which provides space for contextual comments and user notes. The manual includes samples forms for use in policy implementation, policy statements, alternatives and evaluation in the following areas: Right to Education; Population; Identification; Evaluations; Placement; Service Delivery; Facilities and Transportation; Administration; Governance; Personnel; Fiscal Management; Procedural Rights including confidentiality; Medication Administration and Due Process. The forms appendix includes standard formats for referrals, evaluations, requests for special services, notices, IEP and due process proceedings. A separate evaluation guide is included to be used for comparison of present policies to proposed policies. The manual is an invaluable addition to the professional library of every school administrator.

Crabtree, R. K. Getting it together for the handicapped. Compact. January 1974, pp. 6-9.

The Special Education Act of 1972 was landmark special education legislation in Massachusetts. The article briefly describes the process of its passage beginning with cases of gross mismanagement, and parental pressure. The varied and categorical nature of previous legislation had facilitated the exclusion of many students from services and the placement of many students in residential facilities. Support was gained for a state special education coalition which worked with legislators to devise a comprehensive act. The process in the enactment is described and major points of the law are discussed. An adjunct article gives helpful suggestions on "How to Enact Educational Legislation". The article is interesting to those involved in political activism. It also provides a prototype for subsequent federal legislation.

Dapper, G. Educating children with special needs. Arlington, Va.: National School Public Relations Association, 1974.

This is an interesting well written overview of articles on trends in school policies and programs. The first three chapters discuss legislative issues; backgrounds and impetus for the future. The remainder of the book

provides short descriptions of delivery models and provisions of services. It is available for $4.75 from the publisher and is a helpful resource for the administrator unfamiliar with the needs of the handicapped.

Elam, S. M. Special education: A major event in 1973. Phi Delta Kappan, April 1975, pp. 513-515.

The feature articles of this Kappan focuses on issues in special education and is a valuable reference for information on the trends and problem areas affecting administrators. The article presents the growing demand in public policy for provision of services for the handicapped. Although P.L. 94-142 had not been passed at the time of publication, the author reviews the state mandates and litigation outcomes indicative of public sentiment.

Friedman, P., & Beck, R. L. Mental retardation and the law: A report on status of current court cases. Washington, D.C.: U.S. Department of Health, Education, and Welfare, 1976.

This issue of Mental Retardation and the Law reports on twenty-one new cases and updates information on thirty-eight cases reported previously. The cases are classified into architectural barriers, commitment, criminal law, education, employment, guardianship, sterilization, treatment, voting and zoning. Of interest to the administrator are the sixteen cases in the treatment section and the thirteen cases in the education section. The text provides a brief description of each case with limited comment on implications or differences which appear. The booklet is a resource for those determining trends or involved in the litigation process.

Gearheart, B. R. Administration of special education. Springfield, Ill.: Charles C. Thomas, 1967.

This text offers a general survey of special education and the role of the administrator of special education. Legislative issues have limited mention in the book but the author supports the importance of knowledge and involvement in this area with this statement: "It is a very real and highly important responsibility of the special education administrator to know and understand existing laws, be well aware of the legislative process, and lead the way to any additional legislation or revision of legislation."

Gearheart, B. R. Organization and administration of educational programs for exceptional children. Springfield, Ill.: Charles C. Thomas, 1974.

Gearheart greatly expands his discussions of legislative issues in this second book on special education administration. Chapter three exclusively is devoted to federal involvement. A concise review of laws affecting education of the handicapped and an overview of the Bureau of Education for the Handicapped are presented. The author expands the discussions of legislative responsibilities of the special education administrator at the local and state levels. In chapter nine entitled, "Potpourri, Issues, Ideas and Loose Ends," due process and suggestions for influencing legislation are discussed.

Gilhool, T. K. Education: An inalienable right. Exceptional Children, May 1973, 39(8), pp. 597-609.

Interesting and easily read, the article is an adaptation of a speech given by the author. A historical perspective on litigation is achieved in the areas of right to treatment, right to appropriate placement and the right to education. The author briefly summarizes the courts as a social change agent and reviews the process of special education litigation in the judicial system. He develops extensively the four uses of litigation: 1) to secure certain substantive rights, 2) to create a new forum, 3) to bring attention to the public, and 4) to petition for redress of grievances and expression.

Goldberg, I. I. Toward securing the right of the mentally retarded to public education in the United States of America. The Slow Learning Child, November 1972, 19(3), pp. 139-152.

The author discusses the history of the movement toward equality of opportunity for all handicapped children and adults in the United States. Court cases are cited regarding classification of children as mentally retarded on the basis of tests which are biased toward cultural differences. The history (1848 to 1972) of organized efforts to educate the mentally retarded is discussed. In conclusion, the author states three rights of all citizens; positive presumption, due process and instrumental protection.

Goodman, L. V. A bill of rights for the handicapped. American Education, July 1976, pp.4-6.

The author was executive secretary of the National Advisory Committee on the Handicapped which ceased to function July, 1977. In this article, he

presents a description of P.L. 94-142 noting that not only will the law benefit the ten to twelve percent handicapped but also will strengthen public education in general. The policies which the author discusses are: "A free public education available to all handicapped children"; "An individualized education program developed for each child"; "Handicapped students to be education with non-handicapped to the maximum extent appropriate"; "Tests and evaluation materials must not be racially or culturally discriminatory"; "Emphasis is on locating and identification"; "Decisions must be made in consultation with the child's parents"; "The rights and guarantees apply to private schools"; "A comprehensive personnel inservice program must be developed"; "Qualified handicapped persons must be employed"; and "architectural barriers must be eliminated".

At the state level, the SEA has jurisdiction over all education programs in the state and a state advisory panel must be formulated. The author clearly explains the funding formula and procedures.

Halperin, S. Essays on federal education policy. Washington, D.C.: Institute for Educational Leadership, 1977.

Samuel Halperin presents a collection of his articles which have appeared in the past decade. The topics covered are: "Politicans and Educators: Two World Views", "Top Education Need: Restored Confidence", "Elementary and Secondary Education Act", "The Private Sector", "Federal Tax Sharing and Educational Legislation in the 90th Congress".

While the articles do not pertain to special education particularly, the major bulk of literature on federal involvement in education has occurred in relation to the Education for All Handicapped Children Act. These articles provide a background for the trends in policitcs which created an accepting atmosphere for the passage of P.L. 94-142.

Hensley, G. Special education: No longer handicapped. Compact. September/ October 1973, pp. 3-5.

The growth in provision of special education services from 1919 when a judicial decree eliminated a handicapped student on the basis of his "depressing and nauseating effect" on teachers and children to the 1971 decision ordering Pennsylvania to educate all handicapped students has been phenomenal. The author discusses several trends in this growth including: 1) increases in the number of children served, 2) the non-labeling and non-categorical concept impetus, 3) legislative mandates, 4) judicial mandates, 5) philosophy of the "right to education", 6) teacher shortages, 7) financial concerns, and 8) federal involvement. Although the article was written before the passage of P.L. 94-142, it is a short foundational article.

Johnson, R. A., Gross, J. C., & Weatherman, R. F. Special education leadership series. Minneapolis, Minn.: University of Minnesota, 1974.

Volume III: The Right to an Education Mandate contains the proceedings of the 1973 Special Education Leadership Conference in Minneapolis, Minnesota. Part I is an exposition of critical issues in educating all handicapped children. Recent developments in litigation and legislation are presented in Part II. Implications (Part III) critical in the areas of training, training programs, leadership, and professional standards are discussed. Part IV contains descriptions of six various model special education programs.

Volume II: Special Education in Court contains the proceedings of the 1972 conference. Professional papers are presented in Part I on questions in critical ussies. Part II is a review of court cases related to the Right to Access in California, Boston, and Alabama. The remaining articles are related to court actions and legislation, implications for leaders and the education of all handicapped children.

Federal and judicial involvement in special education has increased rapidly in recent years and although these articles are slightly outdated, they are useful for informative reading.

Jones, C. D. Special education in the states: Legislative progress report (1974 Final Report). Denver, Co.: Education Commission of the States, 1974.

This report summarizes major bills relating to the education of exceptional children proposed in state legislatures in 1974. Sixteen subject areas are presented with information on the state, bill and sponsor, basic provisions of the bill, and status. Since legislatures were still in session at the time of compilation, some decisions were not included.

Kirk, S. A., & Lord, F. E. Exceptional children: Educational resources and perspectives. Boston: Houghton Mifflin Company, 1974.

The authors compiled various articles on contemporary trends and issues in special education. The second section containing three articles is entitled, "Special Education and the Law." The first article by Ampress Young Zedler and the second article by Sterling L. Ross, et. al., are reviewed elsewhere in the bibliography. Alan Abeson is the author of the third article entitled, "Movement and Momentum: Government and the Education of Handicapped Children." The article, originally published in 1972, contains basic historical

developments in state law, federal law, attorney generals' opinions, litigation and public awareness. Dr. Abeson states that changes have been initiated but the special education community must be prepared to provide accountable programs for all handicapped children.

Laski, F. Civil rights victories for the handicapped. Social and Rehabilitation Record. May 1974, 1(5) pp. 15-20, and June 1974, 1(6), pp. 25-32.

In this two part series, the author reviews selected aspects of legal action in the areas of education, right to treatment, barrier free environment, and rehabilitation. The author indicates sections of case law, e.g., Pennsylvania Association for Retarded Citizens, Mills, etc., which have special impact on services for the handicapped. Problem areas are assigned to funding as in the Washington Area Transit Authority case reviewing accessibility to the handicapped. Two historical observations are made: 1) general laws providing benefits and protection to all citizens implicitly exclude handicapped persons, and 2) no significant relationship is found between state laws mandating services and actual participation of the handicapped in those services. In the second article, the author places particular emphasis on implications in rehabilitation. Three areas are outlined: 1) the definition of existing statutory rights, 2) expansion of rights, and 3) enactment of new statutory rights and equal protection laws. Since both articles were written before the publication of the regulations of the Rehabilitation Act including Section 504, they serve mainly as a historical knowledge base.

Lippman, L., & Goldberg, I. I. Right to Education, New York: Teachers College Press, 1974.

Judicial involvement in special education mandates is a relatively recent occurrence. One such mandate providing for free public programming for all retarded children, periodic evaluation and notice to parents regarding changes in educational placements was decided by a federal court in a class action suit. The theme of this publication is the significance and implications of this Pennsylvania case. It offers research into the development of this historic landmark case, carefully describes the procedure the Association for Retarded Citizens utilized, and draws implications for further developments in special education. It raises important questions regarding the future of special education: Can we service all children regardless of handicap? What about professional preparation, funds, roles of government and private sectors? and What age span should be served? The complete text of the decision of the Federal Court is included in the appendix for two reasons: 1) it spells out the issues involved in the case, and 2) it serves as a working script for future action.

Mann, P. H. Shared responsibility for handicapped students: Advocacy and programming. Coral Gables, Fla.: University of Miami, Training and Technical Assistance Center, 1976.

The book represents a collection of current viewpoints on mainstreaming of handicapped students. These papers are divided into the following topical areas: Current Issues; Higher Education Perspectives; Technical Assistance Perspectives; Regional, State, and Local Programs; Research and Evaluation Considerations; and Legal Implications. The latter section "is designed to clarify legal mandates related to mainstreaming and to discuss their effects and limitations." The first article briefly discusses the role of the lawyer in due process proceedings especially related to placement hearings. The second article reviews the development of special education mandates in the court systems beginning with the basic concept of civil rights in the Brown decision of 1954. Pertinent case synopses are listed and the author discusses their impact and implications for the future. The third article provides a historical background for P.L. 94-142, then explains various sections of the law which relate to mainstreaming concerns. The last article develops a five step evaluation process.

1. An awareness level
2. An initial identification and location process
3. Diagnosis and evaluation
4. Service delivery
5. Reassessment

The book is a valuable resource of information relating to mainstreaming concepts and trends in legislation regarding special education.

Martin, E. W. Mental retardation: A changing perspective, Exceptional Children, November 1976, pp. 126-130.

Ed Martin, Deputy Commissioner of the Bureau of Education for the Handicapped, developed the article tracing developments from the federal impetus to change in 1957 to the impact of P.L. 94 142. The major areas affected by the new legislation are testing, definitions, individualization, and mainstreaming. The author raises three critical issues for the future. The first is the categorical nature of programs and tendencies to dichotomitize rather than to define behavioral continuums and constellations. The second issue is placement, especially as it relates to disproportionate numbers of mentally retarded students assigned to special classes. The third issue is the importance of concentrating on the development of language in all categories.

Martin, R. Legal challenges to behavior modification: Trends in schools, corrections, and mental health. Champaign, Ill.: Research Press, 1975.

This 179 page booklet succinctly describes legal challenges to behavior modification programs. The topics include: "Legal trends and sources of legal policy including due process and equal protection under the law"; "The decision to intervene based on documentation of behavior"; "Limits and requirements for consent"; "Procedural decisions in selection of strategies"; "Priorities and range of programming"; "Motivational appraoches"; "Contractual problems with consultants"; "Accountability systems which reduce liability"; "Staff training and supervisory procedures"; "Client records and data"; "Judicial, public and private remedies"; and "Regulation of behavior modification programs". Related court cases are included in the appendix. The publication would be most beneficial to administrators of programs which utilize behavior modification techniques.

Meisgeier, C. H., & King, J. D. The process of special education administration. Scranton, Penn.: International Textbook Company, 1970.

Part III of this excellent text is devoted to Federal Programming and Legislation. The chapter "Organization and Special Education", by James J. Gallagher explains the organizational structure of the Bureau of Education for the Handicapped. He notes five stages in the knowledge to action cycle: research, development, demonstration, implementation and adoption. The organization of the Bureau facilitates the development of knowledge related to the handicapped through these five stages. In the second article, Ed Martin reviews federal legislation from 1954 to 1967 providing a brief synopsis of each Act and a summary chart for reference. "Planning and Evaluation for the Future" is the third article by Michel Marge who provides an overview of the Office of Program Planning in BEH and its five major functions. From the same office, E. M. Goodman emphasizes the need for effective coordination of programs.

The final article is a "Summary of Selected Legislation Related to the Handicapped". This sixty-six page document is a thorough survey of all pertinent legislation from all fields (rehabilitation, mental health, etc.) which impact on services for the handicapped. Forty-one laws are included in the review covering the time period from 1953 to 1970.

The Mental Disability Law Reporter. Washington, D.C.: American Bar Association, Commission on the Mentally Disabled, 1976.

This is the first issue of a planned bimonthly publication designed for attorneys and judges to be a compendium of legal developments and materials

in the area of mental disability law. The Reporter is organized into eight sections: "Summary and Analysis"; "Case Law Developments"; "Legislation and Regulatory Developments"; "Texts"; "Articles"; "Bibliography"; "Items of Interest"; and "Practice Manual". The latter section in this issue provides a mock omnibus right to treatment case. The cases are designated by a number series. Of interest might be 200, civil commitment (mental retardation), 500, rights in institutions (mental retardation), 600, behavior modification, and 900, rights in the community including education under 905. The publication would be of benefit as reference material.

Morphet, E. L., & Ryan, C. O. (Eds.). Planning and effecting needed changes in education. New York: Citation Press, 1967.

The book is a collection of scholarly papers projecting education needs for the 1980"s. The papers present issues and problem areas. Two sections pertain to legislative concerns. One is "Political Problems Involved in Education and Planning" and the other is "Planned Change, Public Education and the State". The articles emphasize the need for administrators to work closely with legislators in effecting change. The articles are intended to be thought provoking, not problematic solutions. They provide interesting bases of discussion in comparing the present state of the art to the predictions made ten years ago.

National Advisory Committee on the Handicapped (1976 Report). The unfinished revolution: Education for the handicapped. Washington, D.C.: U.S. Department of Health, Education and Welfare, 1976.

This booklet provides a short history of special education legislation, demographic data regarding the handicapped school population in the United States and projections of future developments in the education of the handicapped. The report includes six priority recommendations: 1) the defining and development of the concept of "least Restrictive Environment"; 2) urging states to provide early intervention; 3) expansion and cooperation with adult and continuing education to offer opportunities for the handicapped after age 21; 4) convening of Bureau and state officers to determine responsibilities and strategies for the implementation of P.L. 94-142; 5) the expansion of the Bureau of Education for the Handicapped, especially the Aid to States Branch to provide the staff necessary for monitoring and implementing the law; and 6) commendation to the Bureau for providing stimulation rather than regulation and urging periodic review of the Bureau's function in this regard. The remainder of the booklet describes programs under the direction of the Bureau which were established by law and the two special institutions for the deaf.

National Advisory Committee on the Handicapped. The individualized education program: Key to an appropriate education for the handicapped child (1977 Annual Report). Washington, D.C.: U.S. Department of Health, Education, and Welfare, 1977.

This document is the second and final report of this committee which ceased to function July 1977. It contains three explanatory articles on the individualized education plan in addition to the committee recommendations for 1977, a compilation of comments from the Congressional Record regarding the IEP, reports regarding IEP implementation, and a report from Edwin Martin, BEH. The first article consists of a summary of the committee's views on the day to day implementation of the IEP concept. The second article is devoted to considerations in teacher preparation. The third article suggests means of integrating physical education, recreation, and leisure time into the IEP.

Nazzaro, J. N. Exceptional timetables: Historic events affecting the handicapped and the gifted. Reston, Va.: Council for Exceptional Children, 1977.

The author presents a historical overview of developments in the education of special children. It has an attractive format adaptable to lectures, media and personal professional growth. Items of interest are classified under A. Climate of the Times; B. Advocacy and Litigation; C. Technology, Science, Health Innovation; D. Programs; E. State Policy; and F. Federal Policy. The time line begins with 1800 and continues in ten year increments to 1900 then in yearly increments to 1977. Photos of interest and historical significance are scattered throughout the text. The appendix includes an annotated bibliography of documents related to historical development of services for exceptional children.

Nix, G. W. The rights of hearing impaired children. Washington, D.C.: Alexander Graham Bell Association for the Deaf, Inc., 1977.

This monograph is a collection of short articles by several authors on "Historical and Educational Perspectives", "Developing Legal Rights for Handicapped Citizens", "Parents and Public Law 94-142", "Educational Options", "The Least Restrictive Environment", "A Challenge to Parents", "Parents and Due Process in Education of the Handicapped: A Case History", "From Conflict to Coalition: Disability Groups", "Legal Remedies in Education and Employment", and "Unmet Legislative Needs". These chapters provide an overview of some of the current issues in the education of hearing impaired students. The California case study (Chapter seven) provides insight on the influence of parents in placement hearings. The appendix contains a checklist for mainstreaming consideration, policies regarding the IEP, and a resources list.

P.L. 94-142 and deaf children. Washington, D.C.: Gallaudet College Alumni Association, 1977.

This twenty-three page special issue is a compilation of articles on the intent, analysis and issues in P.L. 94-142. An article on Issues in Assessment notes particular problems in unbiased testing of hearing impaired children. The components of the IEP, least restrictive environments, mainstreaming, due process and parent involvement are discussed in relation to the special needs in the education of the deaf. The Gallaudet, Kendall Demonstration School and Model Secondary School positions are explained and a list of resources of additional information is attached.

Parks, A. L. & Rousseau, M. K. The public law supporting mainstreaming. Austin, Tx.: Learning Concepts, 1977.

The cartoon format and large print allow for relaxed reading. The authors sustain interest and emphasize important concepts in three main sections: 1) "Purpose and definitions--a discussion of P.L. 94-142"; 2) "Assessment of handicapped children including discussion on due process, evaluation and access to records"; and 3) "Serving handicapped children, personnel, individualization in education programs, and private schools". An added bonus of the booklet is the ease at which transparencies could be made and inservice programs developed using it as the text.

Peabody Journal of Education, January 1973, 50(2).

The feature of this particular issue is Children's Rights. The four articles of interest are:

1. "Children's Rights: An Introductory Sociological Overview" by Carl F. Calkins. The author discusses "a conceptual framework in which children's rights are related to historical and legal aspects of contemporary social structure and process."
2. "Organizing for Child Advocacy: The Children's Lobby" by J. M. Sugarman. The author, head of the Children's Lobby, discusses the development of the group in 1970 and the problems they faced in equalizing authorizations and appropriations for service programs for handicapped children.
3. "The Uses of Litigation: The Right of Retarded Children to a Free Public Education" by T. K. Gilhool. Based on the Pennsylvania case, the author discusses four uses for litigation. These are reviewed under the author's name elsewhere in this bibliography.
4. "Children's Rights, Normalization and Organizational Patterns of Institutions" by Richard Merges. The author supports localization of control and individualization of human services for the mentally retarded.

The four articles are interesting and provide additional background information.

The rehabilitation act. Washington, D.C.: National Association of State Directors of Special Education, Inc., 1977.

An overview of the Section 504 regulations of the 1973 Rehabilitation Act is provided with section by section analysis of the implications of these regulations for state and local educational agencies to assist in complying with Section 504. This eleven page booklet is timely and current and provides administrators with the information needed to examine or develop educational policy which meets the regulations of P.L. 94-142 and Section 504.

Reynolds, M. C. More process than is due. Theory into Practice. April 1975, 14(2), pp. 61-68.

Two major crises in education attributable to right to education legislation are excessive regulations and dehumanization of programs states the author. Reynolds advocates local programming which provides diagnostic and treatment services within the child's natural environment. Suggestions are made regarding development of plans for change and the need for technical assistance.

Reynolds, M. C., & Birch, J. W. Teaching exceptional children in all america's schools: A first course for teachers and principals. Reston, Va.: Council for Exceptional Children, 1977.

The book is intended to serve as an inservice guide for teachers and principals who are planning and administering programs in accordance with the requirements of P.L. 94-142. It builds upon the central concepts of recent litigation and legislation concerning the handicapped, including "full service", "right to education", "least restrictive environment", and "appropriate education". A comprehensive discussion of mandated changes, past, present and future, is presented concurrent with an overview of the various areas of exceptionality. It is available from the publisher for $15.00.

Ross, S., DeYoung, H., & Cohen, J. Confrontation: Special education placement and the law. Exceptional Children, 1971, 38, pp. 5-12.

The article delineates the issues in educational placement. The arguments most often levied are: Testing does not accurately measure learning ability;

Administration of tests is often incompetent; Parents are not given adequate opportunities to participate in decisions; Special programming is inadequate; and Personal harm to students created by improper placement is irreparable. Case law is discussed relative to culture bias tests, discriminatory interclass grouping, language barriers to adequate performance, parental participation and prior hearings, compensation for damages, and elimination of racial segregation. The author lists implications of these court cases and concludes that parents are more actively involved in securing rights and the response of the profession must not be to protect itself from change but to serve the needs of children. Educators have the opportunity to lead in changes rather than waiting for judicial dictates.

Savage, D. G. Educating all the handicapped. Arlington, Va.: National School Public Relations Association, 1977.

This well organized attractive booklet is especially recommended for the school administrator who needs concise introductory information on the requirements of the law and programmatic needs in educating the handicapped. The author briefs P.L. 94-142 in the first chapter and includes the findings, definitions, employment and architecture, entitlements and allocations, administration, eligibility, state plans, local applications, procedural safeguards, evaluation and interrelation with Section 504 of the Rehabilitation Act. Chapters two and three present the responsibilities of both the state and local education agencies in effecting change particularly related to child find, placement, and assessment activities. The remainder of the book focuses on implications of the law in providing services to under school age handicapped children, individualizing programs, mainstreaming, learning disabilities, teacher training, parent involvement and architectural changes.

Scheerenberger, R. C. Deinstitutionalization and institutional reform. Springfield, Ill.: Charles C. Thomas, 1976.

The author provides a more indepth treatment of the subject than is found in Braddock's Opening Closed Doors: The Deinstitutionalization of Disabled Individuals, although many of the same concepts are discussed. Chapter four reviews the issues in litigation; right to treatment; due process; deinstitutionalization pros and cons; children's rights and their relationship to institutional care. The final chapter on the future role of residential programming is a helpful thesis on that subject.

Semmel, M. I., & Heinmiller, J. L. (Eds.). Viewpoints: The education for all handicapped children act (P.L. 94-142). Bloomington, Ind.: School of Education, Indiana University, 1977.

This collection of articles provides helpful overviews on the major provisions of P.L. 94-142 including implications, due process, least restrictive

alternatives, individualized education plans, non-discriminatory testing, personnel training, and mainstreaming in physical education. The fifth chapter is an article entitled, "The New Law: A Challenge for State and Local Administrators" by M. M. McCarthy and L. B. Marks. They point out that the law is a civil rights act and school officials may not ignore its mandates. The article is divided into three sections delineating the responsibilities of state administrators, local administrators and education in general. Specifically, the authors predict that a single line of responsibility will be established with statewide coordination of all services to insure the delivery of appropriate programs. Additionally, state administrators will share responsibility for identification, a greatly expanded monitoring role both financial and programatic, revamping of recordkeeping systems, staff development, monitoring private schools and development of state plans.

The roles of local administrators are explained in detail in relation to IEP development, due process and confidentiality, locating and assessment, placement, and reassessment of supervisory and supportive services. The law is expected to have a "spin off" effect into education in general. The book, especially the article cited above, are valuable reading for the administrator.

State profiles in special education. Washington, D.C.: National Association of State Directors of Special Education, Inc., 1977.

This compilation of reports from all states and territories represents the end product of a project with the following stated purposes: develop profiles of state special education programs and practices; and develop a system for structuring information so as to insure that an annual update could be undertaken if deemed appropriate. On the basis of a needs assessment study, the reports include information in the following categories: state legislation, state regulations and policy, major litigation, state special education finance, personnel preparation programs within each state, existing federal programs, child count data, state education leadership, and SEA organizational structure and responsibility. The 387 page book available from the publisher for $5 provides a wealth of information on programs in various states. The sections on legislative concerns are valuable to the administrator seeking current reliable information.

Trudeau, E. (Ed). State laws and administration procedures relating to exceptional children. Reston, Va.: State and Federal Information Clearinghouse on Exceptional Children, Council for Exceptional Children, 1973.

This series of articles represent a compilation of information collected in a state survey of statutes and regulations. A brief synopsis of each article is reported.

"Legal and Administrative Procedures Relating to the Transportation of Exceptional Children." State laws or regulations generally refer to the eligibility, services, modes, personnel, equipment, safety devices, state aid, and capital outlay. While most of the laws are applicable to all transportation, some laws specifically refer to the handicapped. Most states provide special transportation arrangements to students who because of a handicap, are unable to ride regular buses or are placed in special day classes. The most common mode is special vehicles with the states providing sixty to eighty percent of the costs involved in the transportation of handicapped students.

"Legal Provisions for Delivery of Educational Services on a Cooperating Basis to Handicapped Children." The author discusses organizational patterns in interdistrict cooperatives. These patterns include tuition contracting, statewide regional organization, regional education service centers for distribution of materials, consultative assistance, inservice training, voluntary associations of school districts and special school districts.

"State Laws and Administrative Procedures Relating to the Placement of Exceptional Children." The author discusses present policies regarding identification, assessment, and placement of handicapped children. Trends include increased procedures of due process to govern placement changes, flexible programming, classification based on learning needs, decreased dependence on standardized tests. Information for placement is given for all types of handicapping conditions in areas of consideration; personnel involved in evaluation, the type of data utilized, the placement process, and placement review process.

"The Provision of Special Education Services in Non-Public Facilities." Regulations regarding use of public funds for provisions of special services in private settings are surveyed. Information is included on eligible handicapping conditions, qualifications of eligibility, the referral process, state financial assistance, location of private services, local and state monitoring and followup responsibility. Trends are discussed including procedures for placement, cost reimbursement, and monitoring.

"Legal Requirements for Class Sizes and Caseloads for Special Education". This article relates requirements for class size and case loads which are generally dependent on severity of the handicap and age. Classes for the deaf and blind are smaller and classes for educable mentally retarded allow larger maximum numbers. Classes with teacher aides are also larger. Case load sizes range from 60 for speech therapists to about 20 for itinerate teachers of visually impaired children.

"Legal Provisions for State and Local Planning for the Delivery of Educational Services to Handicapped Children." The author reviews the legal base for planning activities at state and local levels. The planning is generally performed by an advisory committee whose activities include description of present status or progress, clarifying policies, or conducting surveys in the identification and location of students. The formulation of the advisory committees at various levels is also discussed.

"Handicapped Children Redefined: Legal Eligibility for Services Expanded." The legal definitions of handicapping conditions and age requirements are listed for each state. Changes are noted in the areas of special education laws expanding the age requirements, and expanding the types of categories to be served.

Turnbull, H. R. Accountability: An overview of the impact of litigation on professionals. Exceptional Children, March 1975, 41(6), pp. 427-433.

The author develops the relationship of accountability to three major topics: The Right to Treatment, The Right to Education, and Personal Liability. The accountability issue is complex and is based in the concept of full constitutional rights for all people and equal treatment under the law. Three legal theories have been espoused by the courts in Right to Treatment cases; procedural due process, substantive due process and equal protection. Courts have hesitated to impose professionally created standards and full and immediate compliance, and have taken less demanding positions against institutions. The implication for future accountability, however, is clear. Several court cases are briefly reviewed relative to the Right to Education issue. This right has been clearly defined by the courts and involves the right to access and the rights of indivudality. In the area of personal liability the author cites two cases involving physicians but points out that the same principles of accountability will be asserted in other professions. He predicts that courts will be asked to review many more cases directed at professional accountability. This prospect should be welcomed as it ultimately will result in improving social conditions for the handicapped.

Turnbull, H. R. Legal aspects of educating the developmentally disabled. Topeka, Kan.: National Organization on Legal Problems of Education, 1975.

This is the sixth monograph in a series of publications for school administrators. The author, whose areas of expertise are law and mental retardation, focuses on direct issues in the development of the right to education concept. The two areas of concern are exclusion and placement. The author notes how practices in public schools have violated: 1) constitutional equal protection provisions, 2) substantive due process in the misuse of testing instruments for placement purposes, and 3) procedural due process. The author discusses changes in laws, financial impact, and implications and implementation of the laws. The appendix contains direct statements related to local and state policy which must be considered. It may be obtained for $4.95 from the publisher.

U.S. Department of Health, Education and Welfare. Key federal regulations affecting the handicapped 1975-76. Washington, D.C.: U.S. Printing Office, 1977.

The most salient administrative actions affecting the handicapped are selected for review in this 74 page booklet. The most important features are highlighted due to the length, complexity and highly technical nature of the rules. Broad categories include health, education, social services, employment, rights, vocational rehabilitation, social security, and supplemental security income, housing, child nutrition, transportation and developmental disabilities. The succinct listing of the major points of the regulations is both time conserving and helpful for an administrator.

U.S. Department of Health, Education and Welfare. A summary of selected legislation relating to the handicapped, 1975-76. Washington, D.C.: U.S. Government Printing Office, 1977.

This booklet contains a brief synopsis of the provisions of legislation enacted by the 94th Congress which directly or indirectly affect the handicapped. It is divided into two sections, major legislation and other legislation. The major laws mentioned are P.L. 94-103 Developmentally Disabled Assistance and Bill of Rights, P.L. 94-142 Education for All Handicapped Children Act, P.L. 94-105 National School Lunch Act and Child Nutrition Act, P.L. 94-63 Special Health Revenue Sharing Act, P.L. 94-401 Social Services Amendments, and Amendments to Supplemental Security Income. The appendix provides a chart of legislative developments of laws relating to the handicapped.

Weintraub, F. J. Special education and the government. in The Encyclopedia of Education. New York: The MacMillan Company and the Free Press, Vol. 8, pp. 350-358, 1971.

This is an outstanding article presenting the historical background of the government role in special education and the rationale for rapid growth in special education services since 1950. The three factors influencing this growth are reported as: the activities of interest groups representing the handicapped, new legal and administrative approaches instituted to overcome deficits, and the federal government's catalytic effect on the special education field through legislation and financial resources. Trends are noted, especially the federal impact on special education.

Weintraub, F. J. A model law for the education of seven million handicapped children. Arlington, Va.: Council for Exceptional Children, 1972.

Model statutory provisions for the education of the handicapped are listed including compulsory school attendance, policy definitions, state and local

responsibilities (administration, special centers, interdistrict planning), planning, identification of handicapped children, provision of special materials and training, remedies, technical assistance and personnel training, facilities, and finance. The information is basic and helpful to the administrator. The article has been reprinted in Public Policy and the Education of Exceptional Children and it formed the basis for the CEC publication, The Special Education Administration Policies Manual.

Weintraub, F. J., Abeson, A., Ballard, J., & LaVor, M. L. Public policy and the education of exceptional children. Reston, Va.: Council for Exceptional Children, 1977.

This is a comprehensive book that belongs in the personal library of every administrator of special education. It is a compilation of articles divided into five major sections:

"The Education Rights of Exceptional Children": Five basic rights are reviewed including the right to education, due process, assessment, confidentiality of records, and review of placement. Discussion of court orders relating to these topics is also presented.

"State and Federal Policy for Exceptional Children": The editor states that this section might be called the "state of the public art" for both handicapped and gifted children. It is a comprehensive but compact source of information on legislation as it is and as it should be.

"Avenues for Public Policy Change": "The purpose of this section is to examine the processes--the routes that must be traveled to achieve statutes, administrative policy, attorney general opinions, and litigation that build positive public policy for the education of exceptional children."

"Understanding the Political Process": This section provides an encouragement for participation in the political process and basic information about the procedures and problems of that participation.

"Professional Rights and Responsibilities": This section points out issues involving the definition of rights for administrators, teachers, and professional institutions.

A few of the articles have been annotated in this bibliography but much of the material is new. This comprehensive publication is available from The Council for Exceptional Children for $13.95.

Weintraub, F. J., Abeson, A., & Braddock, D. L. State law and education of handicapped children: Issues and recommendations. Arlington, Va.: Council for Exceptional Children, 1971.

This is a short published paper developed from a survey of state education codes. It provides historic and comparative data. The information has been updated and is available from the State and Federal Information Clearinghouse for Exceptional Children.

Zedler, E. Y. Public Opinion and public education for the exceptional child: Court decisions, 1873-1950. Exceptional Children, February 1953, 19(5), pp. 187-198.

Court decisions regarding handicapped children in education are traced through the period indicated. Public sentiment evolved from an attitude of degradation to acceptance in three stages: 1) the belief that attending school was a privilege extended or withheld at will by school authorities; 2) the belief that attending school is a right of all children, and 3) the belief that every child has a right to an education suitable to his needs. Several cases are cited by the author who provides a well documented historical study.

Additional Periodic Resources

American Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202. Ten issues for $13.50 per year.

Amicus, National Center for Law and the Handicapped, 1235 North Eddy Street, South Bend, IN 46617.

EP Reports, A series of publications planned to provide information on the implementation of P.L. 94-142. Free from the Bureau of Education for the Handicapped, Washington, D.C.

Closer Look Newsletter, Bureau of Education for the Handicapped, Washington, D.C. Free from Closer Look, Box 1492, 20013

Compact, Education Commission of the States, Washington, D.C. Subscription rate is $6.00 per year.

Education Daily, Education News Services Division, Capital Publications, Suite G-12, 2430 Pennsylvania Ave., N.W., Washington, D.C. 20037. Yearly rate is $215.00.

Education U.S.A. and Washington Monitor, National School Public Relations Association, 1801 N. Moore Street, Arlington, VA 22209. $34.00 per year for 52 issues.

Insight, Council for Exceptional Children, 1920 Association Drive, Reston, VA 22091. Subscription rate is $20.00 yearly.

Liaison Bulletin, National Association of State Directors of Special Education, 1201 16th St., N.W., Suite 610E, Washington, D.C. 20036. Subscription rate is $30.00 yearly.

The State Federal Information Clearinghouse for Exceptional Children maintains files on all federal and state laws and current litigation relative to the education of handicapped children. Contact Council for Exceptional Children, 1920 Association Drive, Reston, VA 22091.

Current information on Congressional bills may be obtained by writing the Superintendent of Documents of the Senate or House of Representatives or ordering the Congressional Record. The Federal Register contains regulations and legal notices issued by the executive department or federal agencies.

Sources

A. G. Bell Association
#1 Volta Place
Washington, D.C.

American Association of School Administrators
1801 North Moore St.
Arlington, VA 22209

Bureau of Education for the Handicapped
Regional Office Building
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Charles C. Thomas, Publishers
301-327 E. Lawrence Avenue
Springfield, Ill.

Citation Press
Scholastic Book Services
906 Sylvan Ave.
Englewood Cliffs, N.J. 07632

Commission on the Mentally Disabled
American Bar Association
733 15th St., N.W.
Washington, D.C. 20005

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1920 Association Drive
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Department of Health, Education, and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

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Richardson, TX

Gallaudet College
7th and Florida Ave., N.E.
Washington, D.C. 20002

Government Printing Office
Superintendent of Documents
North Capitol Street
Washington, D.C.

Houghton Mifflin
2 Park Street
Boston, Mass. 02107

Institute for Educational Leadership
1001 Connecticut Ave., N.W.
Suite 310
Washington, D.C. 20036

International Textbook Co.
Scranton, PA 18515

Leadership Training Institute
University of Minnesota
253 Burton Hall
Minneapolis, Minn. 55455

Learning Concepts
2501 North Lamar
Austin, TX

National Association of State Directors of Special Education
1201 16th St., N.W.
Suite 610E
Washington, D.C. 20036

National Organization on Legal Problems of Education
Topeka, Kansas

National School Public Relations Association
1801 North Moore St.
Roslyn, VA

MacMillan Company and the Free Press
Riverside, N.J. 08075

Research Press
2612 North Mattis Avenue
Champaign, Ill.

School of Education
Indiana University
Bloomington, Indiana 47401

Teachers College Press
1234 Amsterdam Avenue
New York, N.Y. 10027

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Coral Gables, FL